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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,644	07/20/2001	Andrew S. Kanter	0010-2	1841

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EXAMINER	
CARLSON, JEFFREY D	

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/909,644	KANTER, ANDREW S.	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the paper(s) filed 10/14/2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-9, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (US6687737) in view of Werkhoven (WO9959097) and Goldhaber et al (US5855008) and Radziewicz et al (US5854897).

3. Regarding claim 1, Landsman et al teaches interstitial ads displayed to a user's browser from an Internet server. The ads are triggered based upon code in the web page content [col 10 lines 5-31]. The ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e. the duration of the ads) and the popup window is then removed upon completion. Landsman et al teaches that the AdDescriptor file specifies whether the user is permitted to prematurely terminate (close) the ad displayed [32:5-46, fig 20]. When this permission is not given, this provides for a temporary, non-dismissible ad window. Landsman et al also teaches that a log is kept regarding each ad impression [31:53-58]. Landsman et al also teaches targeting ads based on stored user profiles [21:13-20] – this is taken to provide the registered user database and ad viewing history. When a

user requests a subsequent webpage (via the user's ISP server(s)), the advertising display is triggered. While Landsman et al teaches various programmatic timer-based features [32:1-50], he does not explicitly teach a timer that delays the entirety of advertising until a certain period after the page loads. Werkhoven (WO9959097) however teaches an Internet advertising system and method whereby advertising is provided in a window that pops up after a predetermined/adjustable time period during which the user is exposed to the requested webpage [pg 1, lines 35 to pg 2 line 1]. It would have been obvious to one of ordinary skill at the time of the invention to have provided the system and methods of Landsman et al with options for adjustable delay timers in a manner as taught by Werkhoven (WO9959097). Doing so would provide for the ability to smoothly render cached advertising which is more likely to capture the user attention. Landsman et al also does not teach compensation for advertising display. Goldhaber et al teaches many embodiments whereby a registered computer user is compensated for viewing advertising [abstract]. The advertising can be targeted based on the registered user's demographics. The compensation can be directly routed to the user's registered account by the advertiser. Goldhaber et al also teaches an arrangement where in addition to compensating the ad-viewing user, the provider of the user-desired content is also compensated for the advertisement sponsored content [fig 6, col 12 lines 2-18]. This is an advantage over traditional media advertising which embedded ads into content delivered via mass media (i.e. radio, TV). Goldhaber et al notes the benefit of unlinked sponsorship in that the advertising can be targeted to each content-viewing user rather than the audience as a whole. It would have been obvious

to one of ordinary skill at the time of the invention to have registered and compensated the ad-viewing users as well as the content providers of Landsman et al's system so that users and content providers (i.e. website owners) may be motivated to benefit from online ads. This is taken to provide compensation for the web browsing users as well as web site owners on the basis of ads viewed. Further, Official Notice is taken that web site content owners hosting advertisements typically receive direct payment from the advertiser as a way of earning revenue. It would have been obvious to one of ordinary skill at the time of the invention for the advertiser to have directly paid the web site content owner so he can benefit from his troubles hosting advertising content and allowing the advertising content to be viewed. Regarding the claimed connection speed detection, Radziewicz et al also teaches interstitial ads. Radziewicz et al teaches that the user's connection speed to the Internet can be measured and such connection speed or the user's terminal capabilities (heavy video/graphics, audio) can be used to select a particular format for the ads [11:7-28]. It would have been obvious to one of ordinary skill at the time of the invention to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files, in order to provide a more pleasing experience.

Regarding claims 3, 4, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere including the top of the user's screen or the middle of the user's screen as a design

choice so that the ad is quite visible. A pop-up ad displayed to a central portion of a user's screen can be said to be "within" the browser window that visually surrounds it.

Regarding claims 5, 7, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claims 6, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claim 8, it would have been obvious to one of ordinary skill at the time of the invention to have provided registration buttons and fillable forms/windows on the web site in order to collect registration information pursuant to Goldhaber et al's compensation. Goldhaber et al further discusses collection of personal (demographic) data at registration time.

Regarding claim 9, Official Notice is taken that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customer so that they can deliver more information about their products, services, sales promotions, etc. It would have been obvious to one of ordinary skill at the time of the invention to have provided buttons on the advertiser's site in order to request more information be sent to them and to have fulfilled such requests via an email. The optionally claimed links need not be taught by the prior art.

Regarding claim 20, Official Notice is taken that using a wireless connection in order to access the Internet is well known. It would have been obvious to one of

ordinary skill at the time of the invention for wireless users to have participated in the system Landsman et al so that they can enjoy the Internet wirelessly.

4. **Claims 1, 3-9, 20 are alternatively rejected under 35 U.S.C. 102(e) as being anticipated by Landsman et al (US6687737) in view of Werkhoven (WO9959097) and Angles et al (US5933811) and Radziewicz et al (US5854897).**

5. Regarding claim 1, Landsman et al teaches interstitial ads displayed to a user's browser from an Internet server. The ads are triggered based upon code in the web page content [col 10 lines 5-31]. The ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e. the duration of the ads) and the popup window is then removed upon completion. Landsman et al teaches that the AdDescriptor file specifies whether the user is permitted to prematurely terminate (close) the ad displayed [32:5-46, fig 20]. When this permission is not given, this provides for a temporary, non-dismissible ad window. Landsman et al also teaches that a log is kept regarding each ad impression [31:53-58]. Landsman et al also teaches targeting ads based on stored user profiles [21:13-20] – this is taken to provide the registered user database and ad viewing history. When a user requests a subsequent webpage (via the user's ISP server(s)), the advertising display is triggered. While Landsman et al teaches various programmatic timer-based features [32:1-50], he does not explicitly teach a timer that delays the entirety of advertising until a certain period after the page loads. Werkhoven (WO9959097) however teaches an Internet advertising system and method whereby advertising is

provided in a window that pops up after a predetermined/adjustable time period during which the user is exposed to the requested webpage [pg 1, lines 35 to pg 2 line 1]. It would have been obvious to one of ordinary skill at the time of the invention to have provided the system and methods of Landsman et al with options for adjustable delay timers in a manner as taught by Werkhoven (WO9959097). Doing so would provide for the ability to smoothly render cached advertising which is more likely to capture the user attention. Landsman et al also does not teach compensation for advertising display. Angles et al teaches advertisements that are included on the pages of web site content. The advertisement provider computer credits a (registered) consumer account as well as a (registered) content provider account each time a consumer views an ad [abstract]. It would have been obvious to one of ordinary skill at the time of the invention to have registered and compensated the ad-viewing users as well as the content providers of Landsman et al's system so that users and content providers (i.e. website owners) may be motivated to benefit from online ads. Regarding the claimed connection speed detection, Radziewicz et al also teaches interstitial ads. Radziewicz et al teaches that the user's connection speed to the Internet can be measured and such connection speed or the user's terminal capabilities (heavy video/graphics, audio) can be used to select a particular format for the ads [11:7-28]. It would have been obvious to one of ordinary skill at the time of the invention to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files, in order to provide a more pleasing experience.

Regarding claims 3, 4, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere including the top of the user's screen or the middle of the user's screen as a design choice so that the ad is quite visible. A pop-up ad displayed to a central portion of a user's screen can be said to be "within" the browser window that visually surrounds it.

Regarding claims 5, 7, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claims 6, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claim 8, Angles et al teaches user registration via an HTML document in which the user submits demographic information (sex, age, etc) [col 17 lines 3-9]. It would have been obvious to one of ordinary skill at the time of the invention to have provided registration buttons and fillable forms/windows on the web site in order to collect the desired registration information.

Regarding claim 9, Official Notice is taken that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customer so that they can deliver more information about their products, services, sales promotions, etc. It would have been obvious to one of ordinary skill at the time of the invention to have provided buttons on the advertiser's site in order to request more

information be sent to them and to have fulfilled such requests via an email. The optionally claimed links need not be taught by the prior art.

Regarding claim 20, Official Notice is taken that using a wireless connection in order to access the Internet is well known. It would have been obvious to one of ordinary skill at the time of the invention for wireless users to have participated in the system Landsman et al so that they can enjoy the Internet wirelessly.

Response to Arguments

Applicant argues that Werkhoven does not have a remote server with an application logic set. However, Werkhoven's Internet site can be taken to be the remote server. Nonetheless, examiner reasoned it would have been obvious to one of ordinary skill at the time of the invention to have improved Landsman et al's remote server's application logic set with the adjustable delay feature taught by Werkhoven.

Applicant argues that Goldhaber et al fails to teach means for accessing ads that are to be delivered to an individuals computer. Examiner disagrees as the users of Goldhaber et al get compensated for viewing ads which are displayed on their computers.

Applicant argues that that the instant invention allows for more ways to present ads (claims 3–5), yet does not traverse the rejection provided for those claims.

Applicant argues that compensating users of Landsman et al is not feasible because no ads are specifically associated with the web page. However, Landsman indeed puts ads on the screen in association with web pages. And given Goldhaber et

al, it would have been obvious to one of ordinary skill at the time of the invention to have compensated those users who have been exposed to the advertising. Compensating web site owners is always acceptable because they have given up real-estate to show ads; it is the price they pay in order to receive advertising compensation. Web site owners will always be interested in hosting ads if there is revenue to be collected for doing so.

Applicant argues that Radziewicz et al's techniques differ from the instant invention. Radziewicz et al is being used for connection speed considerations. Applicant argues that sending ads during active times will slow the connection, yet applicant admits to also sending ads during such periods. It is not clear what claimed feature is missing from the proposed rejection.

Applicant argues with respect to Angles et al that the instant invention does not require registration. It is not clear what claimed features however are not accounted for in the invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

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Primary Examiner
Art Unit 3622

jdc